

EDUCATION AND WORKFORCE DEVELOPMENT CABINET
Education Professional Standards Board
(Amendment)

16 KAR 2:050. Certificates for teachers of exceptional children/communication disorders.

RELATES TO: KRS 161.020, 161.028, 161.030, 161.053, 334A.020, 334A.033, 334A.035, 334A.060, 334A.190

STATUTORY AUTHORITY: KRS 161.028, 161.030, 161.053

NECESSITY, FUNCTION, AND CONFORMITY: KRS 161.020, 161.028, and 161.030 require that teachers and other professional school personnel hold certificates of legal qualifications for their respective positions to be issued upon completion of programs of preparation and other requirements prescribed by the Education Professional Standards Board (EPSB). KRS 161.030 requires that a teacher education institution be approved for offering the preparation program corresponding to a particular certificate on the basis of standards and procedures established by the EPSB[Education Professional Standards Board]. KRS 161.053 requires the EPSB[Education Professional Standards Board] to promulgate administrative regulations to establish requirements relating to certification of teachers of exceptional children/communication disorders. This administrative regulation establishes the certificates for teachers of exceptional children/communication disorders and the corresponding standards for issuance[and procedures for program approval.]

Section 1. ~~(1) [A student who meets the deadlines established in subsection (5) of this section shall meet the requirements established in this section for a standard certificate.~~

~~(1) The standard certificate for teachers of exceptional children and youth - communication disorders shall be issued in accordance with the pertinent Kentucky statutes and Education Professional Standards Board administrative regulations to an applicant who has completed the approved program of preparation which corresponds to the certificate at a teacher education institution approved under the standards and procedures included in 16 KAR 5:010.~~

~~(2)(a) The standard certificate for teachers of exceptional children and youth - communication disorders shall be issued in accordance with the testing and internship provisions of KRS 161.030, 16 KAR 6:010, and 16 KAR 7:010.~~

~~(b) Upon successful completion of the beginning teacher internship, the certificate shall be:~~

~~1. Extended for the remainder of a five (5) year period; and~~

~~2. Renewed for subsequent five (5) year periods upon completion by September 1 of the year of expiration of:~~

~~a. Three (3) years of successful experience as a teacher of communication disorders; or~~

~~b. At least six (6) semester hours of credit or the equivalent in PSDU's or CEU's, as defined in 16 KAR 8:021.~~

~~(3) The standard certificate for teachers of exceptional children and youth - communication disorders shall be valid at all age levels for the instruction of exceptional children and youth with communication disorders.~~

(2) The standard certificate shall be renewed for subsequent five (5) year periods upon application to the EPSB, compliance with 16 KAR 2:010, Section 3(1), and completion of one of the following by September 1 of the year of expiration:

(a) Three (3) years of successful experience as a teacher of communication disorders;

(b) At least six (6) semester hours of graduate credit or the equivalent in exceptional children or communication disorders; or

(c) Current certification with the American Speech-Language-Hearing Association (ASHA).]

~~(4) The standard certificate for teachers of exceptional children and youth - communication dis-~~

orders shall be issued to an applicant who has completed a master's degree in communication or speech language pathology.

~~(5) A student enrolled in an approved preparation program leading to the standard certificate for teachers of exceptional children and youth - communication disorders shall complete all required coursework by September 1, 2000 and apply for certification by December 31, 2000. A student failing to meet these deadlines shall complete the preparation and certification requirements established in Section 2 of this administrative regulation.]~~

Section 2. ~~[A student who does not meet the deadlines established in Section 1(5) of this administrative regulation shall meet the requirements established in this section for a professional certificate.]~~

(1) Upon application to the EPSB, compliance with 16 KAR 2:010, Section 3(1), the [The] professional certificate for teachers of exceptional children/communication disorders shall be issued [in accordance with the pertinent Kentucky statutes and Education Professional Standards Board administrative regulations] to an applicant who has completed:

(a) A master's degree in speech language pathology;

(b) The approved program of preparation which corresponds to the certificate at a teacher education institution approved under the standards and procedures included in 16 KAR 5:010; and

(c) The testing requirements established in 16 KAR 6:010.

~~(2) The professional certificate for teachers of exceptional children/communication disorders shall be issued in accordance with the [testing and] internship provisions of KRS 161.030[, 16 KAR 6:010,] and 16 KAR 7:010. [Upon successful completion of the beginning teacher internship, the certificate shall be extended for the remainder of the five (5) year period and shall be renewed for subsequent five (5) year periods upon completion of the renewal requirements established in 16 KAR 4:010.]~~

(3) The professional certificate for teachers of exceptional children/communication disorders shall be valid at all age levels for the instruction of exceptional children with communication disorders.

(4) The professional certificate for teachers of exceptional children/communication disorders shall be renewed for subsequent five (5) year periods upon application to the EPSB, compliance with 16 KAR 2:010, Section 3(1), and completion of one of the following by September 1 of the year of expiration:

(a) Three (3) years of successful experience as a teacher of communication disorders;

(b) At least six (6) semester hours of graduate credit or the equivalent in exceptional children or communication disorders; or

(c) Current certification with ASHA. [

~~(4) The professional certificate for teachers of exceptional children/communication disorders shall be issued to an applicant who has completed a master's degree in speech language pathology.]~~

Section 3. (1) The EPSB [Beginning July 14, 2000, the Education Professional Standards Board] shall certify teachers of exceptional children/communication disorders who hold licensure as a speech-language pathology assistant issued by the Kentucky Board of Speech Language Pathology and Audiology under KRS Chapter 334A who meet the qualifications established in this section of this administrative regulation.

(2) An applicant shall submit an application to the EPSB, comply with 16 KAR 2:010, Section 3(1), and submit proof of:

(a) Postsecondary education;

(b) Licensure as a speech-language pathology assistant;

(c) Experience in the Kentucky public-schools; and

(d) Successful completion of the required content area assessments established for this certificate in 16 KAR 6:010.

~~(3)[(2)(a)] Applicants who possess a valid license for speech language pathology assistant issued under KRS Chapter 334A who have at least two (2) years[one (1) year] of successful experience in Kentucky's public schools in this position shall be issued the "professional certificate for exceptional children/communication disorders/SLPA only" valid for five (5) years.[and shall be renewed for subsequent five (5) year periods upon completion of the renewal requirements established in KAR Title.~~

~~(b) Applicants shall submit Form TC-161 with documentation of postsecondary education, licensure and experience.]~~

~~(4)[(3)(a)] Applicants who possess a valid license for speech language pathology assistant issued under KRS Chapter 334A who do not have successful experience in Kentucky's public schools in this position shall be issued a statement of eligibility valid for five (5) years.~~

~~(a)[4.] The teacher shall complete the Kentucky Teacher Internship Program established in 16 KAR 7:010.~~

~~(b)[2.] Upon successful completion of the beginning teacher internship, the teacher shall be issued a "professional certificate for exceptional children/communication disorders/SLPA only" valid for the remainder of the five (5) year period.[and shall be renewed for subsequent five (5) year periods upon completion of the renewal requirements established in KAR Title 16.~~

~~(b) Applicants shall submit Form TC-161 with documentation of postsecondary education and licensure.]~~

(5) The professional certificate for exceptional children/communication disorders/SLPA only shall be renewed for subsequent five (5) year periods upon application to the EPSB, compliance with 16 KAR 2:010, Section 3(1), and completion of one of the following by September 1 of the year of expiration:

(a) Three (3) years of successful experience as an SLPA;

(b) At least six (6) semester hours of graduate credit or the equivalent in exceptional children or communication disorders; or,

(c) Current certification with ASHA

~~(4) Beginning July 1, 2001, an applicant for the "professional certificate for exceptional children/communication disorders/SLPA only" shall successfully complete the required content area assessments established for this certificate in 16 KAR 6:010.]~~

~~(6)[(5)] A teacher certified under this section of this administrative regulation shall remain a speech language pathology assistant requiring supervision under KRS Chapter 334A until the teacher:~~

~~(a) Completes the master's degree in speech language pathology; and~~

~~(b) Gains the professional certificate for exceptional children/communication disorders established in Section 2 of this administrative regulation.]~~

Section 4. Incorporation by Reference. (1) Form TC-161, 7/2000, is incorporated by reference.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Education Professional Standards Board, 100 Airport Road, 3rd Floor, Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 4:30 p.m.]

LISA RUDZINSKI, Board Chair

APPROVED BY AGENCY: August 17, 2021

FILED WITH LRC: August 24, 2021 at 3:10 p.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this proposed administrative regulation shall be held on November 29, 2021, at 10:00 a.m. in the State Board Room,

Fifth Floor, 300 Sower Boulevard, Frankfort, Kentucky. Individuals interested in being heard at this meeting shall notify this agency in writing five working days prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be canceled. This hearing is open to the public. Any person who wishes to be heard will be given an opportunity to comment on the proposed administrative regulation. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted through November 30, 2021. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to:

CONTACT PERSON: Todd Allen, General Counsel, Kentucky Department of Education, 300 Sower Boulevard, 5th Floor, Frankfort, Kentucky 40601, phone 502-564-4474, fax 502-564-9321; email regcomments@education.ky.gov.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Todd Allen

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation establishes the certificates for teachers of exceptional children/communication disorders and the corresponding standards for issuance.

(b) The necessity of this administrative regulation: This administrative regulation is necessary to set the standards and procedures for issuance of the certificates for teachers of exceptional children/communication disorders.

(c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 161.020 requires a certificate of legal qualifications for any public-school position for which a certificate is issued. KRS 161.028 requires the EPSB to establish standards and requirements for obtaining and maintaining a teaching certificate and to set the standards for and approve university programs for the preparation of teachers and other professional school personnel. KRS 161.053 requires the EPSB to promulgate administrative regulations to establish requirements relating to certification of teachers of exceptional children/communication disorders. This administrative regulation establishes the certificates for teachers of exceptional children/communication disorders and the corresponding standards for issuance.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation delineates the requirements for issuance of certificates for teachers of exceptional children/communication disorders.

(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:

(a) How the amendment will change this existing administrative regulation: This amendment removes the references to certification deadlines and an application form that are no longer applicable. The amendment also updates the required years of experience for issuance of the speech language pathology assistant certificate from one (1) year to two (2) years to align with the requirements of KRS 161.053. Finally, the amendment expands upon the renewal requirements for the certificates for teachers of exceptional children/communications disorders.

(b) The necessity of the amendment to this administrative regulation: The amendment is necessary to update the required years of experience for issuance of the speech language pathology assistant certificate from one (1) year to two (2) years to align with the requirements of KRS 161.053. It is also necessary to expand the options for certification renewal for teachers of exceptional children/communication disorders.

(c) How the amendment conforms to the content of the authorizing statutes: KRS 161.028(1) authorizes the EPSB to establish standards and requirements for obtaining and maintaining a teaching

certificate. KRS 161.053 requires the EPSB to promulgate administrative regulations to establish requirements relating to certification of teachers of exceptional children/communication disorders.

(d) How the amendment will assist in the effective administration of the statutes: The required years of experience for issuance of the speech language pathology assistant certificate will be updated from one (1) year to two (2) years to align with the requirements of KRS 161.053. The references to certification deadlines and an application form that are no longer applicable will also be removed.

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: 172 Kentucky school districts, 30 educator preparation program providers, and educators seeking this certificate.

(4) Provide an analysis of how the entities identified in question (3) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:

(a) List the actions that each of the regulated entities identified in question (3) will have to take to comply with this administrative regulation or amendment: No additional action will be required from districts or educator preparation providers. Applicants for the speech language pathology assistant certificate will have to ensure that they have two (2) years of experience as required by statute.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3): There are no costs associated with this amendment.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): Speech language pathology assistants will meet the requirements of KRS 161.053 and educators holding certificates for exceptional children/communications disorders, will have additional options for certification renewal.

(5) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:

(a) Initially: None

(b) On a continuing basis: None

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: State General Fund.

(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: No increase in fees or funding will be necessary to implement this amendment.

(8) State whether or not this administrative regulation established any fees or directly or indirectly increased any fees: Certification fees are established by 16 KAR 4:040. No additional fees are established by this regulation.

(9) TIERING: Is tiering applied? Tiering is not applicable to the requirements of this regulation.

FISCAL NOTE ON STATE OR LOCAL GOVERNMENT

(1) What units, parts, or divisions of state or local government (including cities, counties, fire departments, or school districts) will be impacted by this administrative regulation? The Education Professional Standards Board, public colleges and universities with educator preparation programs and public-school districts.

(2) Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation. KRS 161.020, 161.028, 161.053.

(3) Estimate the effect of this administrative regulation on the expenditures and revenues of a state or local government agency (including cities, counties, fire departments, or school districts) for the first full year the administrative regulation is to be in effect.

(a) How much revenue will this administrative regulation generate for the state or local govern-

ment (including cities, counties, fire departments, or school districts) for the first year? There will be no additional revenues created by this amendment.

(b) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for subsequent years? There will be no additional revenues created by this amendment.

(c) How much will it cost to administer this program for the first year? There are no costs associated with this amendment.

(d) How much will it cost to administer this program for subsequent years? There are no costs associated with the amendment.

Note: If specific dollar estimates cannot be determined, provide a brief narrative to explain the fiscal impact of the administrative regulation.

Revenues (+/-):

Expenditures (+/-):

Other Explanation: This is not a fee generating or a cost incurring program but, rather, establishes the standards for the certificates of teachers of exceptional children/communication disorders.